

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1303

08 APR 20 AM 9:41

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
Francisco Javier BARBOZA  
Defendant.

Magistrate Case No. \_\_\_\_\_

**COMPLAINT FOR VIOLATION OF**

Title 8, U.S.C., Section 1326  
Attempted Entry After Deportation  
(Felony)

The undersigned complainant being duly sworn states:

On or about **April 26, 2008**, within the Southern District of California, defendant **Francisco Javier BARBOZA**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

**SIGNATURE OF COMPLAINANT**  
Sara Esparagoza  
U.S. Customs and Border  
Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 28<sup>th</sup> day of April 2008.

  
Mark A. Horne  
United States Magistrate Judge

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Carla Saco, declare under penalty of perjury the following to be true and correct:

On April 26, 2008 at approximately 1455 hours **Francisco Javier BARBOZA (Defendant)** made application for entry into the United States from Mexico at the pedestrian entrance of the San Ysidro, California Port of Entry. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant presented as his own a B1/B2 Laser Visa (Form DSP-150) bearing the name Aldo Fabian Acuna-Sosa. The officer suspected Defendant was not the rightful owner of the document and elected to escort him to secondary inspection.

In secondary, Defendant was determined to be an impostor to the document presented. Defendant was queried by ten-digit fingerprint submission through the Automated Biometric Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS). IDENT/IAFIS returned a match to the query, verifying Defendant's true identity and linking him to Immigration Service and FBI records.

Queries of Immigration Service records including Central Index System (CIS) and the Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico with no legal documents to enter, pass through or reside in the United States. DACS information indicates that Defendant was ordered removed by an Immigration Judge on or about January 21, 1999. DACS information reveals Defendant was last removed from the United States to Mexico on or about April 17, 2008. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he was deported from the United States. Defendant admitted he has not applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally enter the United States. Defendant admitted he purchased the DSP-150 and a counterfeit Mexican Driver's License from an unknown male street vendor in Tijuana for \$50USD. Defendant stated he intended to travel to Colton, California.

EXECUTED ON THIS 26th DAY OF April 2008 AT 20:42.

Carla Saco #6793  
Carla Saco / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on April 26, 2008 in violation of Title 8, United States Code, Section 1326.

M. J. Horne  
MAGISTRATE JUDGE

4-27-08 a) 11:30AM  
DATE / TIME